

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:06 CR 31-02**

UNITED STATES OF AMERICA,

Vs.

ROBERT McCOY BRADLEY, JR.

Defendant.

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ORDER

THIS CAUSE coming on to be heard and being heard on July 17, 2006, pursuant to a Memorandum filed by the United States Probation Office on June 23, 2006 advising that the defendant had failed to successfully complete the Jail Based Inpatient Treatment Program. At the call of this matter on for hearing it appeared that the defendant was present with counsel, James Orville Rice, Jr., and that the Government was present through Assistant United States Attorney, Corey Ellis, and from the evidence presented, arguments of counsel and the records in this cause, the undersigned makes the following findings:

Findings. The defendant was charged in a bill of indictment filed on April 4, 2006 with conspiracy to manufacture and possess with intent to distribute methamphetamine, a schedule II controlled substance. On May 3, 2006 the undersigned entered an order detaining the defendant and ordering that the defendant be placed in a Jail Based Inpatient Treatment Program and that upon successful completion of the program that the undersigned would reconsider the issue of continued detention of the defendant. On June 23, 2006 the United States Probation Office filed a Memorandum which has been introduced into evidence by the Government. In the Memorandum, the recommendation of the United States Probation

Office was that the defendant remain in custody pending disposition of his case due to the fact that the defendant had failed to complete the Jail Based Inpatient Treatment Program. The reason that the defendant had given as to why the defendant had not completed the treatment program was that the defendant had been transferred from the McDowell County Jail on June 6, 2006 where the treatment program is based. This transfer was required because the defendant had threatened family members of a potential witness. The family members of the witness were incarcerated at the McDowell County Jail when the defendant communicated the treat.

As to further findings, the undersigned incorporates by reference the findings previously made in the order filed on May 3, 2006.

Discussion. The undersigned has reconsidered the issue of the detention of the defendant and has applied, in such reconsideration, the factors to be considered the factors as set forth under 18 U.S.C. § 3142(g). In reviewing those factors, the undersigned finds:

1. The nature and circumstances of the offense charged involve a narcotic drug.
2. The weight of the evidence against the defendant appears to be significant.

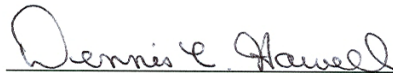
The defendant has now filed a plea agreement with the Government.

3. The defendant has a significant criminal record and convictions for drug abuse. Those being set forth in the previous order. Those convictions include two felonies, that being conspiracy to possess with intent to distribute and distribution of marijuana in 1992 in the United States District Court for the Western District of North Carolina and felony

possession of a schedule II controlled substance in 1998. The defendant was on release pending trial on state charges when he was arrested in regard to the federal charges.

4. It appears from the defendant's criminal record and the acts as set forth in the Memorandum filed on June 23, 2006 that the release of the defendant would create a risk of danger to any other person or the community. The court has to seriously consider the allegations that the defendant has threatened a witness. The defendant has two felony convictions, both involving controlled substances and the distribution of those substances. As a result, the undersigned finds that clear and convincing evidence has been shown that the release of the defendant would cause a danger to any other person or the community and that the defendant is hereby **ORDERED** to be detained pending further orders of the court.

Signed: July 20, 2006



Dennis L. Howell
United States Magistrate Judge



